

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brandon T. Schurter on 3/12/2008.

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3. Authorization for this examiner's amendment was given in a telephone interview with Brandon T. Schurter on 3/12/2008.

Claims 1-9, 11-15, 21, 27, and 34-38 are allowable.

The Claims in the application has been amended as follows:

4. Claim 32 has been cancelled.

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5. Claims 1, 5-9, 11-15 have been rewritten as follows:

Claim 1. An isolated nucleic acid molecule comprising the nucleotide sequence selected from the group consisting of:

a) SEQ ID NO. 2, SEQ ID NO. 4, SEQ ID NO. 6, SEQ ID NO. 8, or SEQ ID NO. 10;

b) the complement of SEQ ID NO. 2, SEQ ID NO. 4, SEQ ID NO. 6, SEQ ID NO. 8, or SEQ ID NO. 10;

c) a nucleotide sequence comprising at least 500 consecutive nucleotides of SEQ ID NO. 2, SEQ ID NO. 4, SEQ ID NO. 6, SEQ ID NO. 8, or SEQ ID NO. 10; and

d) the complement of (c).

Claim 5. An isolated host cell containing the vector of Claim 4.

Claim 6. The isolated host cell of Claim 5 which is a eukaryotic cell.

Claim 7. The isolated host cell of Claim 6 which is a human cell.

Claim 8. The isolated host cell of Claim 5 which is a prokaryotic cell.

Claim 9. An isolated DNA or RNA comprising the nucleotide sequence selected from the group consisting of:

a) 500 consecutive nucleotides of SEQ ID NO. 2, SEQ ID NO. 4, SEQ ID NO. 6, SEQ ID NO. 8, or SEQ ID NO. 10; or

b) the complement of 500 consecutive nucleotides of SEQ ID NO. 2, SEQ ID NO. 4, SEQ ID NO. 6, SEQ ID NO. 8, or SEQ ID NO. 10.

Claim 11. An expression vector containing the DNA or RNA of Claim 9.

Claim 12. An isolated host cell containing the vector of Claim 11.

Claim 13. The isolated host cell of claim 12 which is a eukaryotic cell.

Claim 14. The isolated host cell of claim 13 which is a human cell.

Claim 15. The isolated host cell of claim 12 which is a prokaryotic cell.

The following is an examiner's statement of reasons for allowance:

6. The claims are drawn to isolated nucleic acid molecules comprising the nucleotide sequence selected from the group consisting of SEQ ID No. 1, 2, 4, 6, 8, or 10; the complement; nucleic acid sequences comprising at least 500 consecutive nucleotides, or the complement.

Based on a sequence search and search of the art, there is no prior art that teaches or suggests at least 500 consecutive nucleotides of SEQ ID No. 1, 2, 4, 6, 8, or 10.

It is noted that a terminal disclaimer for Application 10/743704 has been filed over US Patent 6737519 and has been approved (5/24/2007).

7. It is noted that the IDS of 12/22/2003 which was considered with the office action mailed out 11/20/2006 is attached to this action. The IDS form did not have the serial number or art unit number, which has been added and attached to this pending action.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine Salmon whose telephone number is (571) 272-3316. The examiner can normally be reached on Monday-Friday 8AM-430PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on (571) 272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Katherine Salmon/
Examiner, Art Unit 1634

/Ram R. Shukla/
Supervisory Patent Examiner, Art Unit 1634